

Introduced by Senator Escutia

February 21, 2003

An act to amend Section 12955.1 of the Government Code, relating to fair housing.

LEGISLATIVE COUNSEL'S DIGEST

SB 1025, as introduced, Escutia. Fair housing: multilevel townhouses.

The existing California Fair Employment and Housing Act (FEHA) makes it unlawful to discriminate against any person in any housing accommodation on the basis of race, color, religion, sex, marital status, national origin, ancestry, familial status, or disability. It permits the Department of Fair Employment and Housing to engage in affirmative actions to prevent and provide for effective remedies against housing discrimination.

Under existing law, discrimination includes, but is not limited to, a failure to design and construct a covered multifamily dwelling in a specified manner. Existing law provides that regulations adopting building standards necessary to implement, interpret, or make specific these provisions are required to be developed by the Office of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies, as specified.

This bill would revise the definition of discrimination to include a failure to design and construct, on and after January 1, 2004, at least one dwelling unit within a subdivision that consists of multilevel townhouses, as defined, in a specified manner.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 12955.1 of the Government Code is amended to read:

12955.1. (a) For purposes of Section 12955, “discrimination” includes, but is not limited to, a failure to design and construct a covered multifamily dwelling *or a dwelling unit within a subdivision that consists of multilevel townhouses* in a manner that allows access to, and use by, disabled persons by providing, at a minimum, the following features:

~~(a)–~~

(1) All covered multifamily dwellings shall have at least one building entrance on an accessible route, unless it is impracticable to do so because of the terrain or unusual characteristics of the site. The burden of establishing impracticability because of terrain or unusual site characteristics is on the person or persons who designed or constructed the housing facility.

~~(b)–~~

(2) All covered multifamily dwellings with a building entrance on an accessible route shall be designed and constructed in a manner that complies with all of the following:

~~(1)–~~

(A) The public and common areas are readily accessible to and useable by handicapped persons.

~~(2)–~~

(B) All the doors designed to allow passage into and within all premises are sufficiently wide to allow passage by handicapped persons in wheelchairs.

~~(3)–~~

(C) All premises within covered multifamily dwelling units contain the following features of adaptable design:

~~(A)–~~

(i) An accessible route into and through the covered dwelling unit.

~~(B)–~~

(ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations.

~~(C)–~~

(iii) Reinforcements in bathroom walls to allow later installation of grab bars around the toilet, tub, shower stall, and shower seat, where those facilities are provided.

~~(D)~~

(iv) Useable kitchens and bathrooms so that an individual in a wheelchair can maneuver about the space.

(3) At least one dwelling unit or at least 10 percent of the dwelling units, whichever is greater, within a subdivision that consists of multilevel townhouses shall be designed and constructed on and after January 1, 2004, in a manner that meets the requirements of paragraphs (1) and (2).

(c) For purposes of this section, *the following definitions shall apply:*

(1) “covered— “Covered multifamily dwellings” mean buildings consisting of four or more dwelling units if the buildings have one or more elevators; and ground floor dwelling units in other buildings consisting of four or more dwelling units. Dwelling units within a single structure separated by firewalls do not constitute separate buildings for purposes of this definition.

(2) “Multilevel townhouses” mean buildings consisting of an apartment or condominium dwelling unit in which there are at least two levels.

(d) Notwithstanding Section 12935, regulations adopting building standards necessary to implement, interpret, or make specific the provisions of this section shall be developed by the Office of the State Architect for public housing and by the Department of Housing and Community Development for all other residential occupancies, and shall be adopted pursuant to Chapter 4 (commencing with Section 18935) of Part 2.5 of the Health and Safety Code. Prior to the effective date of regulations ~~promulgated~~ *adopted* pursuant to this subdivision, existing federal accessibility standards that provide, to persons with disabilities, greater protections than existing state accessibility regulations shall apply. After regulations pursuant to this subdivision become effective, particular state regulations shall apply if they provide, to persons with disabilities, the same protections as, or greater protections than, the federal standards. If particular federal regulations provide greater protections than state regulations, then those federal standards shall apply. If the United States Department of Housing and Urban Development determines that

1 any portion of the state regulations are not equivalent to the federal
2 standards, the federal standards shall, as to those portions, apply
3 to the design and construction of covered multifamily dwellings
4 until the state regulations are brought into compliance with the
5 federal standards. The appropriate state agency shall provide
6 notice pursuant to the Administrative Procedures Act (Chapter 5
7 (commencing with Section 11500) of Part 5 of Division 3 of Title
8 2) of that determination.

9 (e) In investigating discrimination complaints, the department
10 shall apply the building standards contained in ~~Title 24 of the~~
11 ~~California Code of Regulations~~ *the State Building Standards Code*
12 to determine whether a covered multifamily dwelling is designed
13 and constructed for access to and use by disabled persons in
14 accordance with this section.

15 (f) The building standard requirements for persons with
16 disabilities imposed by this section shall meet or exceed the
17 requirements under the federal Fair Housing Amendments Act of
18 1988 (P.L. 100-430) and its implementing regulations (24 C.F.R.
19 100.1 et seq.) and the existing state law building standards
20 contained in ~~Title 24 of the California Code of Regulations~~ *the*
21 *State Building Standards Code*.

